

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT
AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE
RULES. See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.

FILED BY CLERK

JUNE 12 2008

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,

Appellee,

v.

MICHAEL FRANCIS PISCHEL,

Appellant.

2 CA-CR 2007-0295
DEPARTMENT B

MEMORANDUM DECISION

Not for Publication
Rule 111, Rules of
the Supreme Court

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20070620

Honorable Howard Fell, Judge Pro Tempore

AFFIRMED

Thomas Jacobs

Tucson
Attorney for Appellant

V Á S Q U E Z, Judge.

¶1 Appellant Michael Pischel waived his right to a jury trial and was found guilty of theft of a credit card and possession of drug paraphernalia after a bench trial. Pischel admitted having two prior felony convictions, and the trial court sentenced him to concurrent, enhanced, presumptive prison terms, the longer of which was five years. Counsel has filed a brief pursuant to *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), stating he has thoroughly reviewed the record

on appeal and has found no meritorious issue to raise. He asks this court to search the record for error. Pischel has not filed a supplemental brief.

¶2 The evidence established that, on February 3, 2007, police officers stopped a vehicle driven by Pischel that had been reported as stolen. The officers searched the vehicle, and in the pockets of a coat that was located on the driver's seat, they found two pipes with cocaine residue. In the center console area of the vehicle, they found another pipe with drug residue, along with two plastic baggies, one containing cocaine and one with marijuana. In the rear portion of the vehicle, they found a fourth pipe with drug residue in a laundry basket that Pischel claimed contained clothing he had just washed at a laundromat. Two stolen credit cards were found in Pischel's wallet. They belonged to two victims, neither of whom had granted Pischel control over the cards. There was sufficient evidence to support the court's findings of guilt. *See* A.R.S. §§ 13-2102 and 13-3415(A).

¶3 Having reviewed the record in its entirety pursuant to our obligation under *Anders* and having found no error, fundamental or otherwise, we affirm the convictions and sentences.

GARYE L. VÁSQUEZ, Judge

CONCURRING:

PHILIP G. ESPINOSA, Judge

JOSEPH W. HOWARD, Judge